

*O I P E SC103
MAR 04 2004
PATENT & TRADEMARK OFFICE*

IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE

In re application of: Behr et al.
 Application No.: 09/872,051 Group No. 1638
 Filed: June 1, 2001 Examiner: David H. Kruse
 For: A DNA Construct Having Two Expression Cassettes Each Encoding A Glyphosate Tolerant EPSPS Enzyme A Method Of Making A Glyphosate Tolerant Plant And A Glyphosate Tolerant Plant Produced By The Method
Assistant Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE
BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))**

NOTE: An information disclosure statement shall be considered by the Office if filed after the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by: (i) a statement as specified in paragraph (e) of section 1.97, (ii) a petition requesting consideration of the information disclosure statement, and (iii) the petition fee set forth in § 1.17(l).

NOTE: If the information disclosure statement that contains the items required by 37 C.F.R. § 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40) and 37 C.F.R. § 1.97(d).

**TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed after a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

XX deposited with the United States Postal Service Exp. Mail #EV114072889US
 in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Date: March 4, 2004

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office

Signature

Michelle Ludwig

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement after Mailing Date of Final Action or Notice of Allowance But before Payment of Issue Fee [6-5]—page 1 of 2)

STATEMENT, PETITION AND FEE

2. In accordance with the requirements of 37 C.F.R. § 1.97(d):

- A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. § 1.97(e).
- B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. § 1.97(d)(2).
- C. Applicant submits the petition fee set forth in § 1.17(i) (\$180.00).

NOTE: "The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted." Notice of April 20, 1992 (1138 O.G. 37-41, 40).

FEE DUE

3. Petition fee due (§ 1.17(i)): \$180.00

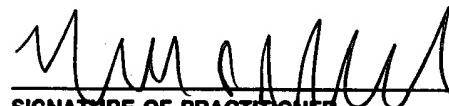
METHOD OF PAYMENT OF FEE

4.

- Attached is a check for \$180.00.
 Charge Account 13-4125 \$180.00.

A duplicate of this petition is attached.

If any additional petition fees are due, please charge Account 13-4125.



SIGNATURE OF PRACTITIONER

Reg. No. 32,706

Thomas P. McBride

(type or print name of practitioner)

Tel. No. (314 694-5802

800 North Lindbergh Boulevard

P.O. Address

Customer No.: 27161

Mail Zone E2NA

St. Louis, Missouri 63167

MAR 04 2004 PATENT & TRADEMARK OFFICE			ATTY. DOCKET NO. 38-21(52258)B		APPLICATION NO. 09/872,051		
FORM PTO-1449 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT			APPLICANT Behr et al.				
			FILING DATE June 1, 2001		GROUP 1638		
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	A4	5,948,956	09/07/1999	Lee et al.			
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	B2						Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
C6							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							